
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

RYAN MAUGHAN,

Plaintiff,

v.

SALT LAKE CITY CORPORATION,
JANTZEN MAZZA, J. MORTENSEN, W.
COTNER, and C. JEPPSON,

Defendants.

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case No. 2:21-cv-00673-JNP-JCB

District Judge Jill N. Parrish

The magistrate judge assigned to this case issued a Report and Recommendation that the court dismiss plaintiff Ryan Maughan's action. ECF No. 61. First, the Report and Recommendation notes that the action should be dismissed under DUCivR 7-1(f) because Maughan failed to provide any response to either the motion to dismiss filed by the officer defendants, ECF No. 53, or the motion to dismiss filed by defendant Salt Lake City Corporation, ECF No. 59. Second, the Report and Recommendation reasons that the motions to dismiss should be granted on the merits. Mazza failed to file a timely objection to the Report and Recommendation.

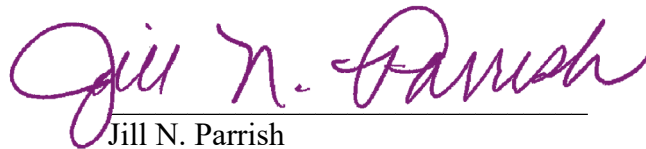
Because Mazza did not object to the Report and Recommendation, any argument that it was in error has been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if "the interests of justice so dictate." *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). In determining whether the interests of justice require an exception to the waiver rule, the Tenth Circuit has "considered factors such as 'a *pro se* litigant's effort to comply, the force and plausibility of the explanation for his

failure to comply, and the importance of the issues raised.” *Duffield v. Jackson*, 545 F.3d 1234, 1238 (10th Cir. 2008).

In this case, there is no indication that the interests of justice require it to deviate from the waiver rule. Thus, the court ADOPTS IN FULL the Report and Recommendation. ECF No. 61. Accordingly, the court GRANTS the officer defendants’ motion to dismiss, ECF No. 53, and GRANTS Salt Lake City’s motion to dismiss, ECF No. 59. The court dismisses this action with prejudice.

DATED November 4, 2022.

BY THE COURT

A handwritten signature in purple ink, reading "Jill N. Parrish", is written over a horizontal line.

Jill N. Parrish
United States District Court Judge